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May 24, 1993

BY HAND

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

Re: Scripps Howard Broadcasting Company
MM Docket 93-94

Dear Ms. Searcy:

Transmitted herewith, on behalf of Scripps Howard
Broadcasting Company, licensee of Station WMAR-TV, Baltimore

MAY 21 1993

FEDERAL COMMUNICATIONS COMMISSION

OFFICE OF THE SECRETARY

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In re Application of)	MM Docket 93-94
)	
Scripps Howard)	File No. BRCT-910603KX
Broadcasting Company)	
)	
For Renewal of License of)	
Station WMAR-TV,)	
Baltimore, Maryland)	
)	
and)	
)	
Four Jacks)	File No. BPCT-910903KE
Broadcasting, Inc.)	
)	
For a Construction Permit for)	
a New Television Facility on)	
Channel 2 at Baltimore, Maryland)	

To: The Honorable Richard L. Sippel
Presiding Administrative Law Judge

COMMENTS ON MOTION FOR SUMMARY DECISION

Scripps Howard Broadcasting Company ("Scripps Howard"), licensee of Station WMAR-TV, Baltimore, Maryland, and an applicant for renewal in the above-referenced proceeding, by counsel, hereby files its comments on the Motion for Summary Decision ("Motion") of Four Jacks Broadcasting, Inc. ("Four Jacks").

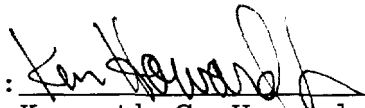
1. In its Motion, Four Jacks claims that it now has FAA approval for its proposed tower and that it always had such approval. Although Scripps Howard does not contest that Four Jacks has now obtained FAA approval for its proposed construction, it is evident that, contrary to its claim, Four Jacks did not have valid approval at the time it filed its application. Four Jacks

themselves effected several years before their current FCC filing.¹

2. Four Jacks relies on EZ Communications, Inc., et al., DA 93-361 (M.Med.Bur., released April 5, 1993), for the position that once an existing tower has been approved by the FAA, the Commission does not require the applicant to seek further clearance. EZ Communications, however, involved an applicant who proposed to use an existing tower at its existing height. As the Hearing Designation Order points out, Four Jacks does not intend to use its proposed tower at its existing height. Four Jacks plans to raise the height by 12.5 meters. EZ Communications is, therefore, inapplicable to any determination of whether Four Jacks had secured FAA approval at the time it filed its application.²

Respectfully submitted

Scripps Howard
Broadcasting Company

By: 
Kenneth C. Howard, Jr.
Leonard C. Greenebaum
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Its Attorneys

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Dated: May 24, 1993

¹ See Scripps Howard's Motion to Enlarge Issues Related to Tower Site, filed May 13, 1993, at 14, n. 3.

² As discussed in Scripps Howard's Motion to Enlarge Issues Related to Tower Site, Four Jacks lacked reasonable assurance of a suitable tower site at the time it so certified in its application, irrespective of FAA approval.

Certificate of Service

I, Diane Wright, a secretary in the law offices of Baker & Hostetler, hereby certify that I have caused copies of the foregoing "Comments on Motion for Summary Decision" to be sent via First Class United States Mail this 24th day of May, 1993 to the following:

The Honorable Richard L. Sippel*
Administrative Law Judge
Federal Communications Commission
2000 L Street, NW
Room 214
Washington, DC 20554

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